REMARKS

1. Sequence Listing

Applicant hereby submits both a paper copy and a disk containing a computer readable copy of the Sequence Listing in response to the Notice to Comply. Applicant hereby certifies that the content of the paper and computer readable copies are the same.

2. Restriction Requirement

Claims 1-23 and 29 are currently pending. The Examiner has acknowledged Applicant's prior restriction filed on March 29, 2002. However, the Examiner notes that Applicant's prior response was not fully responsive. Applicant had previously elected the claims of Group I for prosecution, namely claims 1-23 and 29, drawn to a method for *in vivo* down-regulation of GDF-8 comprising administering at least one GDF-8 polypeptide, or fragment thereof OR at least one GDF-8 analogue wherein the analogue has been modified so that at least one foreign T_H epitope moeity (A) is introduced. The Examiner had also issued a Species election if the claims of Group I are elected. Applicant elected the claims of Group I, i.e. a GDF-8 analogue wherein the analogue has been modified so that at least one foreign T_H epitope moeity (A) is introduced, and elected the species identified as without a carrier molecule for search and examination. Applicant's election of Group I was made in accordance with Paragraph 4, subparagraph 1 of the Office Action dated February 25, 2002. Applicant's election of species was

made in accordance with Paragraph 9, subparagraph (A) of the same Office Action. Applicant used the exact language of the Office Action in making the election and species election and, therefore, fails to see how Applicant's previous response could be characterized as not fully responsive.

In the present Office Action, the Examiner has required the Applicant to elect a specific adjuvant as used in claim 22. Applicant hereby elects an aluminum-based adjuvant for search and examination. The Examiner, in item 5 of the present Office Action, has also required Applicant to make further elections. In response to item 5.1, Applicant hereby elects (A), the duplication of at least one GDF-8 epitope. In response to item 5.2, Applicant hereby elects the tetanus toxoid epitope. In response to item 5.3, Applicant hereby elects bovine GDF-8. With respect to item 5.4, Applicant hereby elects species B (modified by substituting at least one amino acid) for search and examination. Once the elected species is found allowable, then examination must be broadened to other species encompassed by Applicant's generic claim.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of $110.00 is attached hereto.

Examination on the merits and favorable action on the claims in accordance with the above are requested.

If the Examiner has any questions concerning this application, he is requested to contact Leonard Svensson (Reg. No.: 30,330) the undersigned at (714) 708-8555 in California.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____
Leonard R. Svensson
Registration No. 30, 330

P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

LRS/KR/clh

Attachment: Version to Show Changes Made
Sequence Listing (Paper and CRF)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington D.C. 20231 on: 7-29-02
(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

(Signature)

July 29, 2002
(Date of Signature)

Version to Show the Changes Made

In the Claims:

1. (Twice Amended) A method for *in vivo* down-regulation of growth differentiation factor 8 (GDF-8) activity in an animal, including a human being, the method comprising effecting presentation to the animal's immune system of an immunologically effective amount of

- at least one GDF-8 polypeptide [of] or subsequence thereof which has been formulated so that immunization of the animal with the GDF-8 polypeptide or subsequence thereof induces production of antibodies against the GDF-8 polypeptide, [and/]or
- at least one GDF-8 analogue wherein the analogue has been modified so that at least one foreign T_H epitope moiety (A) is introduced such that immunization of the animal with the analogue induces production of antibodies against the GDF-8 polypeptide.